IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2260 of 1999

to

FIRST APPEALNo 2263 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ABDULGAFAR HABIB HALAI

Versus

.ALIBEN SIDIBHAI

Appearance:

MR YOGESH S LAKHANI for for Appellant

MR PJ KANABAR for Respondent

NOTICE SERVED for Respondents No. 2-3

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE H.H.MEHTA

Date of decision: 18/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. These are appeals under section 96, CPC, filed by the original defendant nos.2-4, challenging the judgement and decree passed by the Trial Court in four separate suits. However, these appeals can be dealt with and disposed of together inasmuch as the appellants in these appeals are the original defendants common to each of the suits, and since the cause of action in each of the suit arose from a common incident leading to the claim for compensation/damages on account of negligence of the appellants-defendants.

2. We have heard the learned counsel for the respective parties. Appeals admitted. Mr. P.J. Kanabar appears on behalf of the respondents-original plaintiffs and waives service of notice on behalf of the said parties.

3. We have heard the learned counsel for the respective parties on the merits of the matter, perused the impugned judgement and decrees and have also referred to such evidentiary material on record to which our attention has been drawn.

4. As a result of the hearing and discussion, a consensus has been arrived at between the learned counsel, whereby the respective counsel have requested the Court to examine these appeals on merits and to determine the amount of compensation/damages that may in fact be payable by the appellants-original defendants in each of the four cases, without the necessity of giving reasons therefor.

5. Accordingly we have applied our mind to the facts of the case.

6. On the particular facts and circumstances of the case we hold and direct, so far as First Appeal No.2260/99 is concerned, that the appellants-original defendants would be liable to pay compensation/damages to the respondents-original plaintiffs in the sum of Rs.37500/- (Rupees thirty-seven thousand five hundred only) together with interest at the rate of 12% per annum from the date of the suit till realisation.

7. So far as First Appeal No.2261/99 is concerned, the appellants-original defendants shall be liable to pay the respondents-original plaintiffs compensation/damages in the sum of Rs.37500/- (Rupees thirty-seven thousand five hundred only) together with interest at the rate of 12% per annum from the date of the suit till realisation.

8. So far as First Appeal No.2262/99 is concerned, the appellants-original defendants shall be liable to pay the respondents-original plaintiffs compensation/damages in the sum of Rs.5000/- (Rupees five thousand only) together with interest at the ate of 12% per annum from the date of the suit till realisation.

9. So far as the First Appeal No.2263/99 is concerned, the appellants-original defendants shall be liable to pay the respondents-original plaintiffs, compensation/damages in the sum of Rs.38000/- (Rupees thirty-eight thousand only) together with interest at the rate of 12% per annum from the date of the suit till realisation.

10. These appeals are, therefore, partly allowed with proportionate costs throughout. Decree accordingly.

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